

No. 10-19-00196-CR

**IN THE  
COURT OF APPEALS FOR THE  
TENTH APPELLATE DISTRICT  
SITTING AT WACO, TEXAS**

FILED IN  
10th COURT OF APPEALS  
WACO, TEXAS  
1/14/2020 8:36:00 AM  
NITA WHITENER  
Clerk

---

**IJAH IWASEY BALTIMORE,**

*APPELLANT*

**VS.**

**THE STATE OF TEXAS**

---

AN APPEAL OF  
CAUSE No. 2017-449-C2  
FROM THE 54<sup>TH</sup> JUDICIAL DISTRICT COURT  
MCLENNAN COUNTY, TEXAS

---

**STATE'S SECOND MOTION FOR EXTENSION OF TIME  
TO FILE THE STATE'S BRIEF**

---

BARRY JOHNSON  
Criminal District Attorney  
McLennan County, Texas

STERLING HARMON  
Appellate Chief  
State Bar No. 09019700

219 North 6th Street, Suite 200  
Waco, Texas 76701  
[Tel.] (254) 757-5084  
[Fax] (254) 757-5021  
[Email]  
sterling.harmon@co.mclennan.tx.us

## TO THE HONORABLE COURT OF APPEALS

**The State of Texas**, moves for an extension of Thirty Days to file its Brief, pursuant to Tex. R. App. P. 10.5(b). The State's request is based upon the following reasonable explanation of the need for additional time, within the personal knowledge of Sterling Harmon, the attorney signing this motion, namely:

The State of Texas moves this court to allow an extension of thirty days to file its Brief. The State's Brief is due on January 13, 2020. **The State requests that the new deadline be February 12, 2020.** The State has previously been granted one extension in this matter.

In the past month, the undersigned counsel completed and filed the State's brief in *Fajardo v. State*, Cause Number 10-19-00092-CR on the docket of this Court, filed December 23, 2019; and the State's Motion for Rehearing in *Alcoser v. State*, Cause Number 07-18-00032-CR on the docket of the Seventh Court of Appeals, filed January 3, 2020. Counsel is currently preparing the State's brief in *In the Interest of J.F.-G., a Child*, Cause Number 10-19-00356-CV, an accelerated appeal on the docket of this Court, which is due January 16, 2020.

Accordingly, the State requests that it be allowed an extension of thirty days to file its brief. The additional time requested is not sought frivolously or for delay, but will be of genuine assistance in preparing the State's brief.

For the foregoing reasons, the State prays that the Court grant this Motion and modify and extend the deadline for filing the State's brief to **February 12, 2020** or that this Court grant such additional time as is just and proper.

Respectfully Submitted:

**BARRY JOHNSON**

Criminal District Attorney

McLennan County, Texas

/s/ Sterling Harmon

**STERLING HARMON**

Appellate Chief

219 North 6<sup>th</sup> Street, Suite 200

Waco, Texas 76701

[Tel.] (254) 757-5084

[Fax] (254) 757-5021

[Email]

sterling.harmon@co.mclennan.tx.us

State Bar No. 09019700

#### **CERTIFICATE OF SERVICE**

I certify that I caused to be served a true and correct copy of this motion through the efile system to Appellant's attorney of record, Jessica S. Freud, at [jessi@freudlaw.com](mailto:jessi@freudlaw.com).

DATE: 1/13/20

/s/ STERLING HARMON

STERLING HARMON